

SUSSEX COUNTY DELAWARE



PLANNING AND ZONING

Reference Guide

A reference for citizens seeking information on Building Permits. For specific information, please contact the Planning and Zoning Department at (302) 855-7878.

This reference guide provides information for many commonly asked Building Permit questions:

Setback (definition)

A minimum distance which a building or other structure must be set back from a lot line

Decks and Porches

- Unenclosed decks, steps, porches, platforms, etc. may encroach 5 ft. into the front yard setback and 5 ft. from rear and side property line. If it has a roof, awning (ex. portico), or is enclosed, it shall not encroach into the setbacks.
- Patios under 6 inches in height may go to the property line
- 2nd floor and higher decks shall comply with the setbacks that apply to the house

Accessory Structures

Sheds, detached garages, pole buildings, etc.

- If under 600 SF, they may be located 5 ft. from the side and rear property lines
- If 600 SF or over, they shall comply with the setbacks that apply to the house

Fences, Walls & Signs - Residential

- Fences may go on the property line
- Maximum height in the front yard setback is 3 ½ ft.
- Maximum height in the side and rear yards is 7 ft.
- Maximum height for corner visibility is 3 ½ ft.

Fences, Walls & Signs – Commercial, Industrial or Agricultural

- Fences may go on the property line
- Maximum height at a corner is 3 ½ ft.
- Planning Director may approve height over 7 ft.

Swimming Pools

- Shall be 10 ft. from side property line
- Shall be 6 ft. from rear property line
- Shall have a 3 ft. walk space between wall of pool and fence or barrier wall
- Shall have a 4 ft. safety fence or barrier wall
- Aboveground decks may be 5 ft. from side and rear property lines

Other Encroachments into Setbacks

- AC units may encroach into the setbacks a maximum of 3 ft.
- Sills, belt courses, chimneys, cornices and ornamental features may encroach into the setbacks a maximum of 2 ft.

Small Lots

- Lots less than 10, 000 SF that are not part of a cluster subdivision, ESDDOZ subdivision or RPC
 - Average front yard setback, not less than 5 ft.
 - 5 ft. side yard setback
 - Rear yard setback reduced 5 ft.
- Accessory structures shall comply with 5 ft. setback (ex. HVAC, chimneys, decks, etc.)

Animals – Private (Personal Use)

- On a farm of less than 5 acres
 - Less than 4 cows, 8 sheep, 8 goats and 8 hogs
 - Less than 99 chickens
- Stable for horses
 - Private – 4 or fewer horses or mules

Animals – Public (Commercial Use)

- On a farm of 5 acres or more
 - More than 4 cows, 8 sheep, 8 goats and 8 hogs
 - 100 + chickens
- Stable for horses
 - Public - more than 4 horses or mules

Permits Required for:

- Single and multi-family dwellings, manufactured housing (including replacement), commercial construction
- Accessory structures (garages, sheds, gazebos, carports, playhouses, pole buildings, agricultural buildings, pools, solar panels, retaining walls)
- Additions and renovations (porches, sunrooms, decks, fireplace, siding, structural roofing, interior/exterior renovations, finished basements, patios, fences)

Manufactured Homes in AR-1 and AR-2 Zoning District

- Lot with no previous manufactured home:
 - Minimum lot size is ¾ ac. (32,670 SF)
 - Multi-sectional only (double wide)
 - Home can not to be more than 5 years old
- Lot with existing manufactured home:
 - May replace manufactured home with a new manufactured home per the following:
 - Single wide to single wide - OK
 - Single wide to double wide - OK

- Double wide to double wide - OK
 - Double wide to single wide - NO
 - Home shall be newer than the existing home (ex. 1980 replaced with 1981)
- Minimum size of manufactured home is 450 SF

Manufactured Homes in Park

- Minimum size of manufactured home is 450 SF
- 20 ft. separation distance between other dwellings and accessory structures (includes decks and porches)
- Maximum lot coverage is 35%
- Setback is 10 ft. if newer park – see planning
- Setback is 5 ft. if older park – see planning
- Accessory structures may be 5 ft. from lot lines; however, shall still comply with 20 ft. separation distance

Board of Adjustment

- Application for a variance to the County Zoning Code or a special use exception can be made to the Board of Adjustment through the Planning and Zoning Office

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